

Issues to be Addressed with Proposed Revisions to Designated Approved Collector Regulations

Issue	Description	Proposed Solution
Local Governments have indicated it is burdensome to timely manage illegal disposal of CEW under the current administrative processes required by regulations.	It takes time for a Local Government to become an approved collector or to designate an approved collector. Instances of illegal disposal should be dealt with promptly. The integrity of the program can be maintained without requiring a Local Government to obtain approved collector status in the program or designate a collector to operate on their behalf.	<b>See 18660.6.</b> A Local Government does not need to be an approved collector for their illegal disposal cleanup efforts to be eligible under the Source-anonymous provision.
In several instances, special districts that did not have solid waste or hazardous waste management as part of their organization's core purpose issued designations and exercised minimal oversight over the collection activities involved.	The intent of the existing regulations was to include cities, counties, and appropriate special districts or joint power authorities (JPAs). However, the general term of "local government" was unclear whether all special districts/JPAs should be included, or if it was only those with certain responsibilities or mandates that should be allowed to establish designations.	<b>See 18660.47(a)(2).</b> Clarify that special districts and JPAs that should be included have an official responsibility for household hazardous waste or residential solid waste management planning or services.
Local Government Representatives authorizing designations did not have proper authority or knowledge of the CalRecycle payment system and the local government's role and responsibilities when establishing a designation.	In some instances, local government staff with minimal knowledge, authority, or responsibility for duties associated with contracting, legal agreements, or other activities exposing the entity to risk or liability were signing the proof of designation. CalRecycle acknowledges that the rules should be flexible to accommodate the variety of local governance structures.	<b>See 18660.49(b)(6).</b> Clarify that the authorizing representative has the authority to establish formal agreements on behalf of the local government.

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Minimal oversight and engagement by some local governments.	CalRecycle is aware of circumstances where a local government issued a designation that covered a very long timespan (over a decade in some instances) and then had no interaction with the collector about activities being conducted within the scope of the designation. Awareness and oversight, especially after personnel changes, was lost.	<p>CalRecycle discussed setting a cap on the duration of a designation, but instead is proposing and emphasizing continued communication by all parties.</p> <p><b>See 18660.48(d).</b> Create a requirement for annual reporting affiliated with Form 303 reports.</p> <p><b>See 18660.49(e) &amp; (f).</b> Require Local Governments and Collectors to notify each other and CalRecycle of changes to contact information.</p>
Collectors do not keep their local government informed of activities performed on their behalf.	Local government oversight is necessary in order to justify the source documentation relief afforded to a designated collector. Without oversight, the funds are at risk of fraudulent claims.	<b>See 18660.48(d).</b> Connect with pre-existing and related requirements under Form 303 regulations.
Collection activities with minimal planning have a pattern of increased risk of mismanagement of covered electronic wastes.	Absent an established designation, collection events can be conducted and standard source documentation is applicable. However, some events have been conducted without adequate planning and source documentation was not maintained, leading the collector to seek a retroactive designation or to abandon or mismanage material.	<b>See 18660.49(a).</b> DTSC requires a 30-day advanced notification for handling e-waste. This amendment would support the DTSC timeline by requiring the Proof of Designation be transmitted to CalRecycle 30 days in advance of any activity conducted pursuant to the Designation.
Recyclers have expressed concern about the timing of the revocation of designations as it relates to future payment claims.	CalRecycle or a local government may terminate a designation, which ceases designated collection activities immediately. However, some previously collected materials may be flowing through the claim/payment system and would remain unaffected by the termination. Material flow can be upwards of a 6-month process from being collected, transferred to a recycler, processed, and payment claim being submitted to CalRecycle. If CalRecycle analysis determines the documentation for previously conducted collection activities were deficient and necessitated a claim adjustment, the requirements in 18660.6(e)(7) & (8) would apply.	<b>See 18660.50.</b> These provisions are intended to protect the Recycler from financial harm due to issues with a collector's source documentation, including designations.